



DEPARTMENT OF HEALTH & HUMAN SERVICES

New York District

Food & Drug Administration
158-15 Liberty Avenue
Jamaica, NY 11433

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WARNING LETTER

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

October 18, 2000

Robert R. Ferguson, III
President and CEO
Midway Airlines Corp.
2801 Slater Road, Suite 200
Morrisville, NC 27560

Ref: NYK-2001-8

Dear Mr. Ferguson:

During a September 12, 2000 inspection of your aircraft located at Stewart International Airport in New Windsor, New York, our investigator observed violations of the U.S. Public Health Service Act and its implementing regulations for the Control of Communicable Diseases and Interstate Conveyance Sanitation (Title 21, Code of Federal Regulations, Parts 1240 and 1250).

At the conclusion of the inspection, the investigator presented the Inspectional Observations (Form FDA 483) and Inspection Summary-Aircraft Sanitation (Form FDA 2465) (copies enclosed) to Michele Moore, Supervisor, and discussed the findings with her. The following deficiencies aboard Midway Airlines Flight #58/Aircraft ID #N576ML were observed:

1. Two of two crew meals (turkey sandwiches) tested had a temperature of 59°F to 61°F.
2. One of one crew meal (chicken entrée) tested had a temperature of 64°F.
3. There was no hot water in the lavatory room handwashing station.

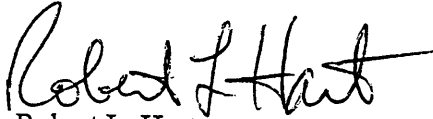
This letter is not intended to be an all-inclusive list of deficiencies that may exist. As a result of these inspectional findings, a "Provisional" classification has been assigned for a 30 day period at which time a reinspection will be conducted. If significant improvements have not been made at that time, a "Not Approved" classification will be justified.

You should take prompt action to correct the deficiencies. It is your responsibility to ensure that all requirements of the U.S. Public Health Service Act and its implementing regulations are being met. You should notify this office in writing, within 15 working days of receipt of this letter, of the specific steps you have taken to correct each of the noted violations.

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Your response should be sent to the Food and Drug Administration, 158-15 Liberty Avenue, Jamaica, NY 11433, Attn: Bruce A. Goldwitz, Compliance Officer. If you have any questions, you can call Mr. Goldwitz at 718/340-7000 ext. 5582.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Hart". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert L. Hart
Acting District Director

Enclosures: Forms FDA 483 and FDA 2465 dated September 12, 2000